IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Crl.Rev.Pet.No. 788 of 2007(E)

CRA.149/2006 of ADDL SESSIONS COURT/SPL. COURT (NDPS ACT CASES), THODUPUZHA

CC.85/2005 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED:

THOMAS JOSEPH, S/O. JOSEPH,
KUNNUMPURATH, EDAPPALLYKARA, MUTTOM VILLAGE,
THODUPUZHA TALUK.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENTS:

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1. MAJU JOHN, S/O. JOHN,
ELLICKAL HOUSE, MRALA KARA, KARIMKUNNAM VILLAGE,
THODUPUZHA TALUK.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR AMJAD ALI
SRI.JOSEPH SEBASTIAN PURAYIDAM

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.788 of 2007

Dated this the 23rd day of February, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, modified by the appellate court, to undergo imprisonment till the rising of the court and to pay fine of Rs.65,000/- to the complainant and in default, to undergo simple imprisonment for one month vide Section 357(1) of Code of Criminal Procedure and that out of the fine amount, complainant is entitled to get a sum of Rs.60,000/-.

2. Counsel for the revision petitioner has only sought for modification of the sentence and time to make the payment. In the circumstances, sentence is modified to imprisonment till the rising of the court and to pay compensation of Rs.60,000/- to the complainant vide Section 357(3) of Code of Criminal Procedure and in default, to undergo simple imprisonment for a period of three months. Revision petitioner is granted four months' time

to pay the amount of compensation. He shall appear before the Court of Chief Judicial Magistrate, Thodupuzha, Muttom on 28.6.2007 to receive the sentence.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl